

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-30055-MAP
)	
KACEY JONES,)	
Defendant.)	
)	

THE GOVERNMENT'S MOTION FOR AN ORDER OF EXCLUDABLE DELAY
(Assented to)

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, respectfully moves for an order of excludable delay under the Speedy Trial Act, 18 U.S.C. § 3161. In support of this motion, the government states the following:

1. On December 8, 2005, Attorney Mark Mastroianni, counsel for Defendant, notified the Court of his intentions of filing a motion concerning a psychiatric evaluation of the Defendant. Attorney Mastroianni had some difficulty finding a qualified examiner for the Defendant, and it was not until January 5, 2006 that Mastroianni secured a psychiatrist to examine the Defendant. The examination will take place after January 10, 2006, and the initial evaluation will not be available until the last week in January 2006.
2. Both Attorney Mastroianni and the undersigned assistant U.S. Attorney are unavailable to try this case until April 2006.

It follows the time from December 8, 2005, until April 3, 2006 should be excluded from the speedy trial calculation. See 18 U.S.C. §§ 3161(h)(1)(A) and (h)(8)(B)(iv). It is in the best interests of the Defendant, the government, and the public, to exclude the time from the period within which the trial of this case must commence under the Speedy Trial Act.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Paul Hart Smyth

Paul Hart Smyth
Assistant U.S. Attorney

Dated: December 9, 2005

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
December 9, 2005

I, Paul Hart Smyth, Assistant U.S. Attorney, do hereby
certify that I have served a copy of the foregoing by mail to
Attorney Mark Mastroianni, 95 State Street, Springfield, MA.

/s/ Paul Hart Smyth
Paul Hart Smyth
Assistant U.S. Attorney

